

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA RIVER WATCH,  
Plaintiff,  
v.  
CITY OF WILLITS,  
Defendant.

Case No. [13-cv-03395-VC](#)

**ORDER OF DISMISSAL WITH  
PREJUDICE**  
Re: Dkt. No. 58

United States District Court  
Northern District of California

California River Watch sued the City of Willits for violations of the Clean Water Act. The parties reached a settlement agreement, which was approved by the United States Department of Justice as required by the Act. The Township of Brooktrails, a nearby jurisdiction, has objected to the settlement out of concern that it may be bound by the judgment under the doctrine of res judicata. This concern is based on the fact that Willits contends, in state court litigation, that Brooktrails is contractually obligated to pay a percentage of the costs associated with the operation of the City of Willits wastewater treatment plant. If Brooktrails' concern about the application of res judicata were correct, it may potentially have a protectable interest in the case that would justify intervention to object to the settlement agreement. However, Brooktrails is not bound by the judgment in this case. The doctrine of res judicata would not apply to Brooktrails in any subsequent proceeding, because Brooktrails was not a party to this litigation, nor was it in privity with either of the parties. Indeed, Brooktrails previously moved to intervene in the case, but Judge Chen (before the case was reassigned) denied the motion primarily on the ground that Brooktrails did not have a protectable interest in the case, which by definition means Brooktrails was not in privity with either party. Under these circumstances, Brooktrails could not be held to be bound by

1 this judgment in any subsequent litigation. With this understanding, the case is dismissed with  
2 prejudice according to the terms set forth in the parties' stipulated request for dismissal.

3 **IT IS SO ORDERED.**

4 Dated: August 28, 2014



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VINCE CHHABRIA  
United States District Judge

United States District Court  
Northern District of California